

STATE OF NEW MEXICO  
COUNTY OF MCKINLEY  
ELEVENTH JUDICIAL DISTRICT COURT

MARRY DIMAS; FRANK A. SANCHEZ, SR.;  
FRANK A. SANCHEZ, JR.,

Plaintiffs,

v.



CASE NO. D-1113-CV-2018-00473

PAT SALAZAR; ANTHONY MORALES;  
MONTY YAZZIE; JONATHAN TODACHINE;  
MCKINLEY COUNTY SHERIFF'S OFFICE;  
and, UNKNOWN PERSONS 1-100,

Defendants.

**COMPLAINT FOR DAMAGES DUE TO A DEPRIVATION OF RIGHTS SECURED BY  
THE CONSTITUTION AND LAWS OF THE UNITED STATES  
PURSUANT TO THE FEDERAL CIVIL RIGHTS ACT OF 1871 (42 U.S.C. § 1983)**

NOW ENTERING COURT, by and through William G. Stripp, Attorney at Law, are Plaintiffs Mary Dimas, Frank A. Sanchez, Sr., and Frank A. Sanchez, Jr. (hereafter referred to collectively as "Plaintiffs"), who file their complaint against Pat Salazar, Anthony Morales, Monty Yazzie, Jonathan Todachine, the McKinley County Sheriff's Office, and Unknown Persons 1 through 100 as follows:

**GENERAL JURISDICTIONAL ALLEGATIONS**

1. At all times relevant to the complaint, Plaintiffs were residing at 102 Badger Road, Vanderwagen, McKinely County, New Mexico.

2. At all times relevant to the Complaint, Defendants Pat Salazar, Anthony Morales, Monty Yazzie, and Jonathan Todachine were deputies employed by the McKinley County Sheriff's Office.

3. Plaintiffs are unaware of the true names and capacities, whether individual, corporate, associate or otherwise, of the Defendants sued herein as Unknown Persons 1 through 100 or any of them, and for that reason sue said Defendants, and each of them, by such fictitious names. Plaintiffs will seek leave of Court to amend this complaint to state the true names and capacities of Unknown Persons 1 through 100, inclusive, when those names and capacities have been ascertained. Plaintiff is informed and believes, and thereon alleges, that each of the Defendants designated herein as an Unknown Person are responsible for all, or a portion of, the harm suffered by Plaintiffs, as alleged herein.

### **GENERAL FACTUAL ALLEGATIONS**

4. On August 24, 2015, Plaintiffs were located at their home at 102 Badger Road, Vanderwagen, New Mexico.

5. Defendants arrived at Plaintiffs' residence dressed in McKinley County Sheriff's uniforms and driving McKinley County Sheriff's vehicles.

6. Defendants did not have any form of warrant allowing their entry onto Plaintiffs' property or into Plaintiffs' premises.

7. Defendants went to the door of Plaintiffs' residence and began pounding on it.

8. Plaintiff Mary Dimas opened the door and asked what Defendants wanted.

9. Defendant Pat Salazar stated that they had come to the residence based on an anonymous call regarding drugs, stolen guns and marijuana plants in the back yard.

10. Plaintiff Dimas asked Defendant Salazar if they had a warrant.

11. Defendant Salazar replied, "If I have to go get a warrant then somebody's going to jail."

12. Defendant Salazar then pushed Plaintiff Dimas out of the way and entered the residence without permission with the other deputies.

13. Defendants made Plaintiff Mary Dimas and Plaintiff Frank A. Sanchez, Sr. sit on the couch.

14. Plaintiff Frank A. Sanchez, Jr., who is an epileptic, was asleep in his room. Defendants pounded on his door, woke him, and made him exit his room and sit on the couch. When Frank A. Sanchez, Jr. asked to use the bathroom, he was refused.

15. At the time of the incident, both Plaintiffs Frank A. Sanchez, Sr. and Frank A. Sanchez, Jr. had medical marijuana user and grower licenses, which they showed to Defendants.

16. Defendants made Plaintiffs sit on their couch for approximately one and one-half hours while they searched the residence.

17. Defendants seized four weapons into custody.

18. No criminal charges were filed.

19. The four weapons were eventually returned to Plaintiffs.

**FIRST CAUSE OF ACTION:**  
**COMPLAINT FOR MONETARY DAMAGES DUE TO A DEPRIVATION OF RIGHTS**  
**SECURED BY THE CONSTITUTION AND LAWS OF THE UNITED STATES**  
**PURSUANT TO THE FEDERAL CIVIL RIGHTS ACT OF 1871 (42 U.S.C. § 1983)**

20. Plaintiffs reallege and incorporate by reference the allegations in paragraphs 1 through 19 above.

21. Plaintiffs are protected from unlawful and unreasonable searches and seizures by state actors pursuant to the Fourth and Fourteenth Amendments to the United States Constitution.

22. Plaintiffs can bring an action for damages for a violation of their constitutional rights pursuant to 42 U.S.C. § 1983.

23. Defendants violated Plaintiffs' rights when they unlawfully entered Plaintiffs' residence without permission, conducted an illegal search, and seized four weapons into custody.

24. On information and belief, at the time of the incident, the McKinley County Sheriff's Office had a policy in place allowing illegal and unreasonable searches and seizures such as the one that occurred in this instance.

25. Plaintiffs suffered damages as the result of the actions of Defendants as described above.

**Wherefore**, Plaintiffs request that they be awarded special damages, general damages, punitive damages, costs of suit, and reasonable attorney's fees from Defendants.

Date: August 24, 2018

Respectfully submitted,

*/s/ William G. Stripp*

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